

Pauley, J

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 7/16/09 X

JAIME JACKSON,

Plaintiff,

-against-

THE CITY OF NEW YORK, DET. DEBRA
EAGER, P.O. JEREMIAH WILLIAMS, and
P.O.s "JOHN DOE" 1-5,

Defendants

**STIPULATION AND ORDER OF
SETTLEMENT AND
DISCONTINUANCE**

09 CV 2986 (WHP)

JUL 14 2009

CHAMBERS OF
WILLIAM H. PALLEY
U.S.D.J.

WHEREAS, plaintiff Jaime Jackson ("Plaintiff") commenced this action in the Southern District of New York by filing a complaint on or about March 27, 2009, alleging that defendants violated Plaintiff's civil and common law rights; and

WHEREAS, defendants Debra Eager, Jeremiah Williams, and The City of New York deny any and all liability arising out of Plaintiff's allegations; and

WHEREAS, the parties now desire to resolve the issues raised in this litigation, without further proceedings and without admitting any fault or liability;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed, with prejudice, and without costs, expenses or fees.

2. The City of New York hereby agrees to pay Plaintiff the sum of TEN THOUSAND DOLLARS (\$10,000.00) in full satisfaction of all claims, inclusive of costs, expenses and attorney's fees. In consideration for the payment of this sum, Plaintiff agrees to the dismissal, with prejudice, of all the claims against all named defendants, including The City of

New York, Debra Eager, Jeremiah Williams, and the defendants named in the caption as "John Does 1-5," and to release all defendants, their successors or assigns, and all past and present officials, employees, representatives and agents of the City of New York, or any agency thereof, from any and all liability, claims or rights of action arising from, contained in, or related to the complaint in this action, which were or could have been alleged by Plaintiff, including all claims for attorney's fees, expenses and costs.

3. Plaintiff shall execute and deliver to defendants' attorney all documents necessary to effect this settlement, including, without limitation, a General Release based on the terms of paragraph 2 above and an Affidavit of No Liens.

4. Nothing contained herein shall be deemed to be an admission by any of the defendants that they have in any manner or way performed the acts or omissions alleged in the Complaint herein or that defendants violated Plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

5. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York or the New York City Police Department.

6. It is expressly understood and agreed to by Plaintiff, Plaintiff's counsel, and defendants that the settlement sum in paragraph 2 above includes any and all claims for attorney's fees, expenses and costs arising from the legal work performed by Plaintiff's attorney in connection with the above-captioned matter.

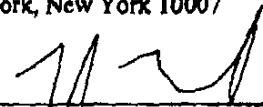
7. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York
~~June 14~~, 2009
July

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By: 
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By: 
Fred M. Weiler, Esq. (FW 5864)
Assistant Corporation Counsel

SO ORDERED:


HON. WILLIAM H. PAULEY
U.S.D.J.

7/15/2009